

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS Department of Agriculture & Commerce		CONTACT PERSON Rebecca T. Wilson	TELEPHONE NUMBER (601)359-1113	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL Rebecca@mdac.ms.gov	SUBMIT DATE 9/5/2012	Name or number of rule(s): Title 2, Part 1, Subpart 2, Chapter 13 (NEW RULE)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Mississippi Agritourism Registration Program Guidelines

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. Sections 69-1-1 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: NEW RULE (Title 2, Part 1, Subpart 2, Chapter 13)

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

X Presently, an oral proceeding is not scheduled on this rule.

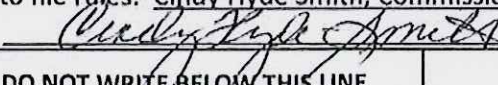
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. X Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: X _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: X _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Cindy Hyde Smith, Commissioner, MDAC

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>CB19102E</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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ADDRESS P.O. Box 1609	CITY Jackson	STATE MS
EMAIL Rebecca@mdac.ms.gov	ZIP 39215-1609	
DESCRIPTIVE TITLE OF PROPOSED RULE MS Agritourism Registration Program Guidelines		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. Sections 69-1-1 et seq.		Reference to Rules repealed, amended or suspended by the Proposed Rule: NEW RULE (Title 2, Part 1, Subpart 2, Chapter 13)

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

Enhance agriculture knowledge to the general public and increase revenues for agritourism operations (\$150 million industry, according to MS State University) and other local businesses. Agritourism professionals participating in the registration process will be promoted by MDAC. Increasing publicity of the agritourism operations will likely increase the number of visitors, therefore increasing revenues. In addition, agritourism professional will greatly benefit with the added protection of lawsuits made against the agritourism activity and/or agritourism professional. The agritourism operator will be protected from injuries or death resulting from inherent risks of the agritourism activity. This will decrease the cost of liability insurance, therefore gaining a higher profit margin to these small-business owned agritourism operations. This will likely enable other farms/agritourism operations to establish, given the passage of this law. Other farms are expected to diversify and establish an agritourism activity with the establishment of this law. The visitors to the registered agritourism activities will increase their knowledge not only of various agriculture commodities and products, but also of inherent risks available to take the necessary safety precautions.

2. Briefly describe the need for the proposed rule:

Allow agritourism activities to operate with added protection and reduce cost of liability insurance.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

Increase public's knowledge and awareness of inherent risks associated with such activities.

4. Estimated Cost of implementing proposed action:

- a. To the agency
☐ Nothing ☒ **Minimal** ☐ Moderate ☐ Substantial ☐ Excessive
- b. To other state or local government entities
☐ Nothing ☒ **Minimal** ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
☐ Nothing ☒ **Minimal** ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: approximately 60-70
- b. Projected costs for small businesses to comply: \$50 registration fee annually & costs of signs
- c. Statement of probable effect on impacted small businesses: the agritourism operations generate \$150 million annually. With continued growth in this industry, this law is very much needed to further enhance the program.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☒ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☒ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
N/A

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.
Statistics and information from Mississippi State University Extension Service (Agritourism in Mississippi White Paper), Mississippi Development Authority (Outdoor Tourism Division), Mississippi Agritourism Association & Senate Bill 2439 (2012 Regular Legislative Session).

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?
Oral proceeding may be requested pursuant to Rule 101 of the Department's Administrative Rules.

SIGNATURE

DATE
9/5/2012

TITLE

Commissioner, MDAC

PROPOSED EFFECTIVE DATE OF RULE

11/1/2012